

To: Goforth, Kathleen[Goforth.Kathleen@epa.gov]
From: Jessop, Carter
Sent: Tue 5/10/2016 8:12:51 PM
Subject: Env Preferable Alt - Rosemont
[rosemont-feis-draft-rod.pdf](#)

As discussed, here is the excerpt and attached is the full draft ROD.

Side note- There is a fair amount of info in the draft ROD that does not appear in the FEIS. There have been a couple times that I have gone looking for some fact only to find it here and only here.

“

Decision Space. My decision authorizes actions on NFS lands. It will also trigger connected actions, some of which are under the jurisdiction of other agencies (i.e., the utility corridor located on State land is under the jurisdiction of ASLD; the SR 83 connected action is under the jurisdiction of ADOT). Those connected actions that are not on NFS lands will require authorization by the jurisdictional agency. See chapter 2 of the FEIS for further detail.

The role of the Coronado under its primary authorities in the Organic Administration Act, Locatable Regulations (36 CFR 228 Subpart A), and Multiple-Use Mining Act is to ensure that mining activities minimize adverse environmental effects on NFS lands and comply with all applicable environmental laws. The Coronado may impose reasonable conditions to protect surface resources but cannot materially interfere with reasonably necessary activities under the General Mining Law that are otherwise lawful. Through the Mining and Mineral Policy Act, Congress has stated that it is the continuing policy of the Federal Government, in the national interest, to foster and encourage private enterprise in:

- The development of economically sound and stable domestic mining, minerals, and metal and mineral reclamation industries; and
- The orderly and economic development of domestic mineral resources, reserves, and reclamation of metals and minerals to help ensure satisfaction of industrial, security, and environmental needs.

I recognize that each of the action alternatives would result in significant environmental and social impacts and that the no action alternative is the environmentally preferable alternative (see page 46 of this ROD for further detail). However, Federal law provides the right for Rosemont Copper to develop the mineral resources it owns and to use the surface of its unpatented mining claims for mining and processing operations and reasonably incidental uses (see 30 United States Code (U.S.C.) 612). Pursuant to Federal law, the Forest Service may reasonably regulate the use of the surface estate to that minimize impacts to Forest Service surface resources, but cannot endanger or materially interfere with mining and processing operations and reasonably incidental uses (see 30 U.S.C. §612 and 36 CFR §228.1). The analysis that is disclosed in the

Rosemont Copper Project FEIS concludes that the Barrel Alternative is the alternative that best achieves the minimization of impacts to Forest Service surface resources while allowing mineral operations and reasonably incidental uses.

“

Carter W. Jessop

U.S. EPA, Region 9

Environmental Review Section (ENF-4-2)

75 Hawthorne Street

San Francisco, CA 94105

(415) 972-3815

jessop.carter@epa.gov